

MT LEGISLATIVE HISTORY

Chapter 350 1973

Bill H 301 S _____

Original bill & hist. C

H. Committee on Public Health, Welfare & Safety S. Committee on Public Health, Welfare & Safety

Hearing Date(s) Jan 30 ✓ C

Hearing Date(s) Feb 28 ✓ C

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Date Out Jan 30 ✓ C

Feb 28 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

January 30, 1973

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the Public Health, Welfare and Safety Committee was held Tuesday, January 30, 1973 at 10:30 a.m. in Room 428A with Chairman Bob Lee presiding. All members were present except Rep. Asbjornson, who was excused.

HOUSE BILL # 330 -- SPONSOR: Rep. Bill Norman stated that noise has become a real problem in Montana. It is becoming a health hazard, causing hearing loss and anxiety and tension. This bill says that if the intensity and duration of noise becomes such as to impair health or induce anxiety, the Board of Health could act on the problem. Two good features of the bill are that it does not concern itself with any noise that arises in an employee-employer situation. Nor could the Dept. of Health enter in a private home to enforce this act. PROPONENTS: Mr. Larry L. Lloyd, Dept. of Health and Envir. Sciences; statement attached. Mr. Phil Tawney, Environmental Lobby; Mr. Don Malmberg, Mont. Fish and Game--statement attached; Walter Anderson, Helena City Manager; Shirley J. Berg of the Sierra Club; Charles Parker, U of M; Robert Chaney, U of M (statement attached for Parker and Chaney); and on behalf of the Mont. Advisory Council for Comprehensive Health Planning, Mr. William E. Leary sent a letter in support of HB 330. Mr. Bill Kirkpatrick of the Mont. Wood Products Assoc. was not really an opponent; he agreed with Rep. Norman's statements; and agreed that legislation was needed; he supported the basic concept of the bill. Dennis Shea of the Anaconda Co., didn't present any testimony at the meeting--he requested that the Committee delay action on the bill until a later date when he could present his testimony in writing. Questions followed. Witnesses were excused.

HOUSE BILL # 350 -- SPONSOR: Rep. Gary Marbut said that similar legislation is in effect in other states. If the respondent is unable to pay for the services they are paid for publicly. There is sufficient budgeting within the Dept. of Institutions to pay for these and other services provided for in future bills. PROPONENTS: Ken Rohyans, Exec. Director, Mont. Assoc. for Retarded Children, Mr. Frank Sennett--statement attached, Don Sekora of Adult Services--passed out packets of the capabilities of Community Services Commissions; Margaret Zidnich of the Rehab. Services of SRS, felt that this bill was written specifically for that small group of severely mentally retarded persons; Mr. Jack Carver passed out some more material; John Thomas of the Dept. of Institutions said that this bill was badly needed regardless of what department it went to. No opponents. Questions followed.

Rep. Hall moved to call a special session of the Committee upon adjournment that same afternoon (Jan. 30); motion carried. Meeting was adjourned.

The Public Health, Welfare and Safety Committee reconvened upon adjournment Tuesday afternoon, January 30, 1973.

HOUSE BILL # 301 -- SPONSOR: Rep. Marbut said that this was a simple but necessary act to permit use of community based facilities for the develop-

mentally disabled. Mr. Ken Rohyans, Assoc. of Retarded Children, stated that it was important that these homes be close to the mainstream of society and whatever else is normal. Rep. Towe said it was a great idea. Mr. John Thomas of the Dept. of Institutions, said many people object to the use of private homes as described in the bill because of zoning; this would clear it up. No opponents. Questions followed.

HOUSE JOINT RESOLUTION # 18 -- SPONSOR: Rep. Towe offered three short amendments. Copy enclosed. Paul Carpina of the Mont. Advisory Council for Comprehensive Health Planning is a proponent of the resolution; it coincides with the subjects mentioned in the Health Task Force Study. There are only five official Pub. Health offices in Montana. Virginia Kenyon, Director of Nursing for the Dept. of Health, agreed that there is a need for a general public health philosophy in the state. Another proponent, Jim Murry of the AFL-CIO--statement attached. Francis Gosney of the State Advisory Council for C.H.P., Mont. State Low Income Organization, also feels there is a strong need for this legislation. Rod Gudgel, Mont. Nursing Home Assoc.,--people are entitled to equal access to public health services. No opponents. Questions followed. Witnesses were excused.

The following action took place:

SB # 36 -- (rereferred) Rep. Hall moved that it BE CONCURRED IN. Motion carried; those opposed: Reps. Jones and Olson.

SB # 42 -- (rereferred) Rep. Hall moved that the bill BE CONCURRED IN. Discussion followed. Motion carried; Driscoll voted no.

HB # 128 -- Amendments proposed by the subcommittee were read and discussed. Rep. Hall moved that the subcommittee report, with a correction on the last page, be adopted. Approval of the subcommittee report was unanimous. Rep. Marbut then proposed an amendment, deleting the word "tobacco". Motion defeated. Rep. Hall moved that HB 128 DO PASS AS AMENDED. Motion carried; those opposed: Reps. Bennetts and Zimmer.

HB # 157 -- Rep. Holmes presented several amendments to the bill; Rep. Hall proposed some more, and Rep. Holmes then moved that as amended by herself and Rep. Hall, HB 157 DO PASS. Motion carried; those opposed: Reps. Olson, Jones and Yardley.

HB # 330 -- Rep. Marbut moved that HB # 350 DO PASS. As a substitute motion Rep. Bennetts moved that the bill be amended to include the Dept. of SRS in lieu of the Dept. of Institutions. Discussion followed. Substitute motion defeated; those in favor of the sub. motion: Reps. Holmes and Bennetts. Rep. Marbut then introduced several minor amendments. It was then moved that as AMENDED HB # 350 DO PASS. The motion was carried; those opposed: Rep. Olson.

HB # 301 -- Rep. Hall moved that it DO PASS. Motion carried unanimously.

Discussion was next heard regarding HB301 and Senator Zody moved to ADOPT THE AMENDMENTS; motion was seconded by Sen. Bollinger, members voting unanimously. Sen. Zody then moved HB301 BE CONCURRED IN AS AMENDED; this was seconded by Sen. Bollinger, members voting unanimously.

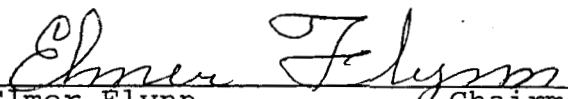
Members next discussed HB350 and Sen. Zody made the observation that at present there is no one to care for mentally retarded children, after the parents are gone, with the exception of Mr. Perry of the Boulder Hospital. After some discussion it was decided to withhold action on the bill until more members are present.

The members next discussed HB330 and Sen. Cochrane made the motion the bill BE NOT CONCURRED IN. Motion was seconded by Sen. Story and it was carried. For the record it was noted that Senators Hall, Breeden and Lowe voted "Nay". "Aye" votes were cast by Cochrane, Zody, Story and McKeon. Senators Breeden and Lowe indicated their negative vote in writing, see attached notes, roll call vote.

Chairman Flynn next asked for further discussion of HB360 and after some consideration, Sen. Bollinger made the motion to HOLD HB360 OVER UNTIL THE 1974 SESSION. The motion was seconded by Sen. Cochrane, members voting unanimously.

HB200 was again discussed and Sen. McKeon moved the bill BE NOT CONCURRED IN; Sen. Story seconded the motion. It was noted for the record the motion carried by a vote of 4 to 3, "Aye" votes including Sen. McKeon, Cochrane, Story and Flynn and "Nay" votes Sen. Hall, Zody and Bollinger. See attached roll call vote.

Senator Zody then moved the meeting adjourn; this was seconded by Sen. Bollinger and motion carried.


Elmer Flynn Chairman

represented on the county planning board pursuant to section 11-3815, additional members of the planning board representing such cities or towns shall be appointed by the respective city councils.

3. The terms of the members who are officers of any governmental unit represented on the board shall be coextensive with their respective terms of office to which they have been elected or appointed; the terms of the other members shall be two (2) years, except that the terms of the first members appointed shall be fixed by agreement and rule of the governing bodies represented on the board for one (1) or two (2) years in order that a minimum number of terms shall expire in any year."

Approved: March 17, 1973.

CHAPTER NO. 350

An Act Providing That Foster or Boarding Homes or Community Residential Facilities Serving Eight (8) or Fewer Specified Handicapped Persons Be Considered as a Residential use of Property; be Permitted to use all Residential Zones; and to Permit Cities and Counties to Require a Conditional use Permit to Maintain Such Homes in Residential Zones.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. "Community residential facility" means a group, foster, or other home specifically provided as a place of residence for developmentally disabled or handicapped persons who do not require nursing care.

Section 2. A foster or boarding home operated under the provision of sections 10-520 through 10-523, or community residential facility and serving eight (8) or fewer developmentally disabled or otherwise handicapped persons, is considered a residential use of property for purposes of zoning if the home provides care on a twenty-four (24) hour a day basis.

The homes are a permitted use in all residential zones, including, but not limited to, residential zones for single-family dwellings. Nothing in this paragraph shall be construed to prohibit a city or county from requiring a conditional use permit in order to maintain a home pursuant to the provisions of this paragraph; provided such home is licensed by the department of health and environmental sciences.

Approved: March 17, 1973.

CHAPTER NO. 351

An Act Amending Section 82-1209, R.C.M. 1947, to Require the State Fire Marshal to Investigate the Exact Cause and Circumstances of Fires Damaging or Destroying Property; to Require Insurance Companies to Notify the Fire Marshal of the Cause and Circumstances of Certain Fires; and Requiring Officials Responsible for Fire Investigations to File Loss Incident Reports on Each Fire.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 82-1209, R.C.M. 1947, is amended to read as follows:

"82-1209. **Investigation of fires.** (1) The cause, origin, and circumstances of each fire, by which property has been destroyed or damaged, shall be investigated to determine *the exact cause and circumstances*. The state fire marshal may superintend and direct the investigation if he deems it necessary.

(2) If the fire occurs within a municipality or organized fire district, the chief of the fire department shall make the investigation. If the fire occurs outside a municipality or organized fire district, the county sheriff shall make the investigation. If it appears that the fire was of suspicious origin, or if there was a loss of human life, the official responsible for the investigation shall notify the state fire marshal within twenty-four (24) hours, and shall file a written report of the cause with the state fire marshal within ten (10) days.

(3) *If the property was insured*, as soon as any adjustment has been made, a person representing the insurance company shall notify the *state fire marshal* of the amount of adjustment and the apparent cause and circumstances of the fire *on forms furnished by the state fire marshal*.

(4) Each official responsible for investigating fires shall file a fire *incident report on each and every fire* with the state fire marshal. Reports shall be on forms, and shall contain information, prescribed by the state fire marshal. *These reports shall be sent to the state fire marshal on a weekly basis.*"

Approved: March 17, 1973.

CHAPTER NO. 352

An Act to Repeal Section 69-1910, R.C.M. 1947, Pertaining to Licensing of Explosive Magazines; to Repeal Section 69-1911,